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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 9, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF#11MD-144
Maui

Issuance of a Revocable Permit to Pyro Spectaculars, Inc. for Fireworks Display
Purposes, Honolua, Lahaina, Maui, Tax Map Key:(2) 4-2-004: seaward of parcels
015.

APPLICANT:

Pyro Spectaculars, Inc. whose business and mailing address is P.O. Box 2329, Rialto CA.
92377.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honolua, Lahaina, Maui identified by Tax Map Key: (2)
4-2-004: seaward of parcels 015, as shown on the attached map labeled Exhibit (A).

AREA:

1,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State constitution: YES ☐ NO ☒

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial Fireworks Display

TERM:

From 9:00 a.m. on October 4, 2011 to 12:00 a.m. on October 5, 2011.

RENTAL:

\$100.00 (Rental based on \$.10 per square feet per day). Total area of requested use is 1,000 square feet.

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

Refer to attached Exemption Notification labeled Exhibit (B).

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO
Registered business name confirmed:	YES <u>x</u>	NO
Applicant in good standing confirmed:	YES <u>x</u>	NO

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for fireworks display in the past. After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

No comments were solicited from government or community agencies.

Pyro Spectaculars, Inc. is requesting a revocable permit for a Fireworks Display via its Agent, Envisions Entertainment & Productions Inc. The event is scheduled for October 4, 2011. Set up will start at 9:00 a.m. and breakdown by 12:00 a.m. on October 5, 2011. The fireworks display will start at approximately 9:50 p.m. and run for 8 to 10 minutes.

The proposed activity is of a similar type and scope of fireworks display activities that historically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Based on discussions with Mr. Clifford J. Naeole, Cultural Advisor for The Ritz-Carlton, Kapalua Hotel, staff is recommending the following conditions must be complied with to prevent any negative impacts to the nearby Honokahua Preservation Site:

1. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by the Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
2. Pyro Spectaculars, Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
3. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.

RECOMMENDATION: That the Board:

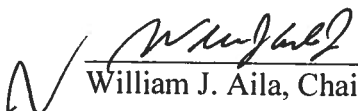
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Pyro Spectaculars, Inc. covering the subject area for aerial fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by The Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
- c. Pyro Spectaculars, Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
- d. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.
- e. Review and approval by the Department of the Attorney General; and
- f. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Chairperson

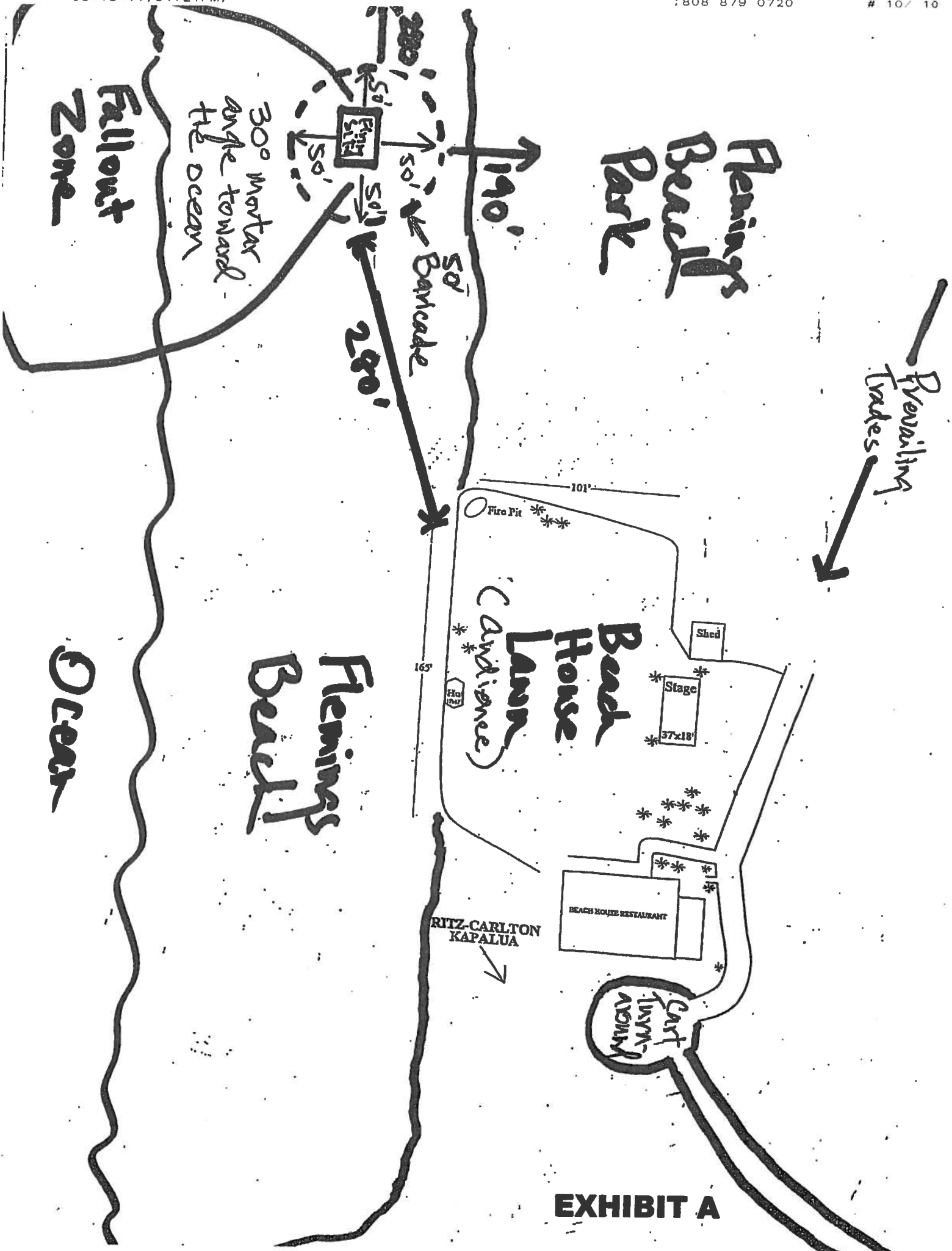


EXHIBIT A



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 22, 2011

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Pyro Spectaculars, Inc.

Project / Reference No.: PSF# 11MD-144

Project Location: Honolua, Lahaina, Maui, Hawaii
TMK: (2) 4-2-004: Seaward of 015

Project Description: Aerial Fireworks Display

Chap. 343 Trigger(s): Use of State Land

Exemption Class: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, that states: "Minor alteration in the conditions of land, water, or vegetation. Item # 3, One time, short term (14 days or less) use of State lands.

Consulted Parties: Mr. Clifford Naeole, Cultural Advisor, The Ritz-Carlton Kapalua.

Recommendation: It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


William J. Aila Jr., Chairperson

8/22/11
Date

Exhibit B